

Plaintiffs' Exhibit 90

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,) Case No.
et al.,) 1:23-cv-00108-LMB-JFA
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendant.)

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VIDEOTAPED 30(b)(6) DEPOSITION OF
UNITED STATES POSTAL SERVICE
through the testimony of
CHRISTOPHER KARPENKO
September 26, 2023
12:37 p.m.

Reported by: Bonnie L. Russo
Job No. 6105353

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<p style="text-align: right;">Page 6</p> <p>1 Weiss.</p> <p>2 MR. GROSSMAN: David Grossman with</p> <p>3 the Department of Justice on behalf of the</p> <p>4 witness, the U.S. Postal Service, and the</p> <p>5 United States.</p> <p>6 MS. CLEMONS: Katherine Clemons,</p> <p>7 Department of Justice.</p> <p>8 MR. RYAN: James Ryan, Department of</p> <p>9 Justice.</p> <p>10 MR. CHU: Alvin Chu, Department of</p> <p>11 Justice.</p> <p>12 MR. SIDHU: Vinnie Sidhu, DOJ.</p> <p>13 MR. WEAVER: Michael Weaver, United</p> <p>14 States Postal Service.</p> <p>15 THE VIDEOGRAPHER: And will the</p> <p>16 reporter swear in the witness, please.</p> <p>17</p> <p>18 CHRISTOPHER KARPENKO,</p> <p>19 being first duly sworn, to tell the truth, the</p> <p>20 whole truth and nothing but the truth,</p> <p>21 testified as follows:</p> <p>22 EXAMINATION BY COUNSEL FOR DEFENDANT</p>	<p style="text-align: right;">Page 8</p> <p>1 campaigns in collaboration with USPS's ad</p> <p>2 agency Universal McCann, correct?</p> <p>3 A. Yes.</p> <p>4 Q. All right. And, Mr. Karpenko, you</p> <p>5 understand that you're testifying here today as</p> <p>6 the corporate representative of United States</p> <p>7 Postal Service?</p> <p>8 A. Yes.</p> <p>9 Q. Great. In preparing for your</p> <p>10 30(b)(6) deposition today, did you review</p> <p>11 contracts between USPS and Universal McCann?</p> <p>12 A. Yes.</p> <p>13 Q. All right.</p> <p>14 (Deposition Exhibit 135 was marked</p> <p>15 for identification.)</p> <p>16 MS. MILLIGAN: I am marking, for the</p> <p>17 record, Exhibit 135 bearing Bates</p> <p>18 USPS-ADS-0000631770.</p> <p>19 THE WITNESS: Would you like them</p> <p>20 separate or together for this purpose? because</p> <p>21 they are --</p> <p>22 BY MS. MILLIGAN:</p>
<p style="text-align: right;">Page 7</p> <p>1 BY MS. MILLIGAN:</p> <p>2 Q. Good afternoon, Mr. Karpenko.</p> <p>3 We met briefly off the record, but</p> <p>4 for the record, I am Heather Milligan, and I</p> <p>5 represent Google in this case.</p> <p>6 Could you state your name for the</p> <p>7 record.</p> <p>8 A. Sure, Christopher Karpenko.</p> <p>9 Q. Okay. And, Mr. Karpenko, are you</p> <p>10 the senior director for customer marketing at</p> <p>11 the United States post service?</p> <p>12 A. Yes.</p> <p>13 Q. And prior to your current role, were</p> <p>14 you the executive director of brand marketing</p> <p>15 during the 2019 to 2023 time period?</p> <p>16 A. Yes.</p> <p>17 Q. And is it -- as executive director</p> <p>18 of brand marketing, your role included</p> <p>19 developing advertising campaigns for USPS,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. It also involved executing those</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Understood. For the record, the</p> <p>2 document that I handed you separately is an</p> <p>3 attachment. So we can just staple it together</p> <p>4 at the end.</p> <p>5 A. Okay.</p> <p>6 Q. But we'll start with the -- the</p> <p>7 document beginning with Bates 1770, which the</p> <p>8 cover page is an e-mail.</p> <p>9 A. Uh-huh.</p> <p>10 Q. All right. Mr. Karpenko, do you see</p> <p>11 that this is an e-mail from a Brian Pasco to</p> <p>12 Mike Laraway and others sent October 1, 2019</p> <p>13 subject: "DG2 Follow-Up Items" with a few</p> <p>14 attachments?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And at the top of the --</p> <p>17 at the top of the page, Mr. Pasco writes: "As</p> <p>18 follow-up to yesterday's meeting, please find</p> <p>19 attached UM master contract, UM scope of work,</p> <p>20 terms and conditions of the contract, final</p> <p>21 FY18 media flow chart."</p> <p>22 Do you see that?</p>

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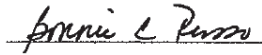
<p style="text-align: right;">Page 18</p> <p>1 first of those responsibilities is to recommend</p> <p>2 a media strategy for the postal service</p> <p>3 advertising by combining cost efficiency with</p> <p>4 smart positioning for maximum effectiveness; is</p> <p>5 that right?</p> <p>6 MR. GROSSMAN: Objection to form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. MILLIGAN:</p> <p>9 Q. Okay. And then if you go to the</p> <p>10 next column over, there is the scope of work</p> <p>11 and it lists some questions here that</p> <p>12 Universal -- Universal McCann will answer</p> <p>13 through its work.</p> <p>14 And could you just read the first of</p> <p>15 those.</p> <p>16 A. Number 1, all of it or --</p> <p>17 Q. 1A.</p> <p>18 A. 1A.</p> <p>19 Q. Yeah. Just A.</p> <p>20 A. Just A specifically?</p> <p>21 Q. Yeah.</p> <p>22 A. Aloud? Aloud or --</p>	<p style="text-align: right;">Page 20</p> <p>1 THE WITNESS: This section refers to</p> <p>2 UM helping manage the placement of the media</p> <p>3 and the content for us. In this particular</p> <p>4 case, it says all channels as well as the</p> <p>5 digital campaigns.</p> <p>6 BY MS. MILLIGAN:</p> <p>7 Q. And what does Universal McCann do to</p> <p>8 manage the placement of media for USPS?</p> <p>9 MR. GROSSMAN: Objection to form.</p> <p>10 THE WITNESS: Could you -- it seems</p> <p>11 to be a broad ask. Could you help me</p> <p>12 understand what -- what you're trying to ask.</p> <p>13 BY MS. MILLIGAN:</p> <p>14 Q. I could ask a different question.</p> <p>15 Do you -- I guess do you know how</p> <p>16 Universal McCann manages the placement of media</p> <p>17 and media content for USPS?</p> <p>18 MR. GROSSMAN: Objection to form.</p> <p>19 THE WITNESS: I would step back and</p> <p>20 say as -- as a supplier for the postal service,</p> <p>21 UM is a -- our media agency of record. Their</p> <p>22 role is to place media for the postal service</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Yes. Yes. Sorry.</p> <p>2 A. Okay. "What is the optimal channel</p> <p>3 mix in fighting to achieve key business</p> <p>4 objectives (sales, brand equity, shifts, et</p> <p>5 cetera)? For example, direct mail, TV,</p> <p>6 newspaper, et cetera?"</p> <p>7 Q. Okay. If you could turn to the next</p> <p>8 page, the fourth row down lists as one of</p> <p>9 Universal McCann's responsibilities to provide</p> <p>10 media management support as needed, including</p> <p>11 trafficking and administrative tasks.</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. And next to it, the scope of work</p> <p>15 description says that UM will provide media</p> <p>16 management support, including trafficking</p> <p>17 across all channels, management of digital</p> <p>18 campaigns, et cetera.</p> <p>19 In the context of -- of this</p> <p>20 description of scope of work, what does it mean</p> <p>21 to include trafficking across all channels?</p> <p>22 MR. GROSSMAN: Objection to form.</p>	<p style="text-align: right;">Page 21</p> <p>1 regardless of our -- what campaign may or may</p> <p>2 not be going on.</p> <p>3 We look at the campaigns that we're</p> <p>4 running. We get strategic feedback from</p> <p>5 Universal McCann on how we might utilize our</p> <p>6 investment on our dollars in the right way to</p> <p>7 reach the audience and reach them in a way</p> <p>8 that's effective for that media placement.</p> <p>9 And UM then has a variety of</p> <p>10 different processes within their organization</p> <p>11 that works to then place that media once we</p> <p>12 approve our plan.</p> <p>13 BY MS. MILLIGAN:</p> <p>14 Q. Okay. Once USPS approves the plan,</p> <p>15 is Universal McCann able to -- able to, I</p> <p>16 suppose, make changes to how the budget in the</p> <p>17 plan was initially allocated?</p> <p>18 MR. GROSSMAN: Objection to form.</p> <p>19 THE WITNESS: So we do have the</p> <p>20 ability to change the media allocation and</p> <p>21 investment during our marketing efforts to</p> <p>22 better optimize what media channel may be</p>

6 (Pages 18 - 21)

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<p style="text-align: right;">Page 22</p> <p>1 performing better or not as well as some 2 others.</p> <p>3 BY MS. MILLIGAN:</p> <p>4 Q. And just to make sure we are 5 using -- we're talking -- we're using the same 6 terms, when you say "better optimize what media 7 channel may be performing better or not," what 8 do you mean by that?</p> <p>9 A. So when we look at our media 10 placement, it could be in a number of different 11 channels or a number of different -- I may use 12 the term in some ways that maybe not everybody 13 else will use, but in some arenas or platforms 14 or areas where it may perform better or worse 15 than others.</p> <p>16 So a bad example would be if we were 17 using advertising in a movie theater during 18 COVID, probably wouldn't -- or even the mall, 19 out-of-home, OOH environment, probably not the 20 best use of our advertising dollars because the 21 traffic wouldn't be there. At the same time, 22 we would also be optimizing in other areas that</p>	<p style="text-align: right;">Page 24</p> <p>1 that's on the prior page, and I am interested 2 in Section 5 which says: "Terms applicable to 3 Orion savings program."</p> <p>4 And the first paragraph reads: 5 "USPS agrees to participate in the Orion 6 savings program (the program) under which USPS 7 may take advantage of certain savings 8 opportunities that agency affiliate Orion 9 Worldwide LLC (Orion) has negotiated with media 10 and related vendors."</p> <p>11 What is the Orion savings program? 12 MR. GROSSMAN: Objection to 13 foundation. Objection to form. 14 THE WITNESS: So Orion is an entity 15 that UM uses to help buy and place media. 16 The postal service has looked at 17 Orion over the years to see what types of buy 18 or better value we could acquire for media. In 19 this case they're referring to their -- 20 their -- their credits. 21 One example that we have looked at 22 with Orion was to consider if the postal</p>
<p style="text-align: right;">Page 23</p> <p>1 would -- say if we saw a particular area 2 performing really well and we saw some 3 responses coming from that for our legion 4 campaigns, we might take from areas that were 5 not responding well and move them into higher 6 performing media efforts.</p> <p>7 Q. Okay. And managing that process is 8 part of Universal McCann's responsibilities 9 under the operative contract?</p> <p>10 A. It's a combination of Universal 11 McCann doing the analytics, running the 12 reports, and then coming back to us and 13 advising the postal service on this seems to be 14 working well, this might not be working as 15 well, we would like to make a shift.</p> <p>16 And then someone on my team 17 historically will go over and give the okay to 18 shift something from one place to another.</p> <p>19 Q. Thank you.</p> <p>20 If you could turn to the page ending 21 in 368. And this appears to be a specialty 22 services addendum to invoicing attachment</p>	<p style="text-align: right;">Page 25</p> <p>1 service had any assets that we were looking to 2 get rid of. Might be in excess of -- of X 3 number of items, whatever that might be, tables 4 or metal. If we were -- we had looked at, for 5 example, our LLV fleet, so our long-life 6 vehicle fleet. We were putting in new 7 vehicles. Those vehicles are made of aluminum, 8 and one of the considerations that we looked at 9 was if we were to provide Orion with these 10 vehicles, the aluminum, they take that aluminum 11 and they either recycle it or resell it or 12 something. And in return we, the postal 13 service, would get credit or a discounted rate 14 for media.</p> <p>15 In many cases Orion's media 16 placement tends to leverage cable TV and 17 discounted rates for cable TV. So it could 18 either be a credit or a discount for the postal 19 service to place media on in many cases cable 20 TV in this case.</p> <p>21 BY MS. MILLIGAN: 22 Q. Thank you.</p>

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<p style="text-align: right;">Page 82</p> <p>1 MR. GROSSMAN: Thank you.</p> <p>2 Nothing else.</p> <p>3 THE VIDEOGRAPHER: Off the record at</p> <p>4 2:37. That ends the deposition.</p> <p>5 (Whereupon, the proceeding was</p> <p>6 concluded at 2:37 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 84</p> <p>1 David Grossman Esq</p> <p>2 David.grossman@usdoj.gov</p> <p>3 September 27th, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 9/26/2023, Karpenko , USPS 30(b)(6) (#6105353)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 83</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 Notary Public in and for</p> <p>22 the District of Columbia</p> <p>My Commission expires: August 14, 2025</p>	<p style="text-align: right;">Page 85</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Karpenko , USPS 30(b)(6) (#6105353)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE ____ LINE ____ CHANGE ____</p> <p>5</p> <p>6 REASON ____</p> <p>7 PAGE ____ LINE ____ CHANGE ____</p> <p>8</p> <p>9 REASON ____</p> <p>10 PAGE ____ LINE ____ CHANGE ____</p> <p>11</p> <p>12 REASON ____</p> <p>13 PAGE ____ LINE ____ CHANGE ____</p> <p>14</p> <p>15 REASON ____</p> <p>16 PAGE ____ LINE ____ CHANGE ____</p> <p>17</p> <p>18 REASON ____</p> <p>19 PAGE ____ LINE ____ CHANGE ____</p> <p>20</p> <p>21 REASON ____</p> <p>22</p> <p>23</p> <p>24 Karpenko , USPS 30(b)(6) Date</p> <p>25</p>

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1 United States, Et Al v. Google, LLC

2 Karpenko , USPS 30(b)(6) (#6105353)

3 E R R A T A S H E E T

4 PAGE 13 LINE 21 CHANGE Add "Are you" before
 5 "Going back to it at all?"

6 REASON _____

7 PAGE 23 LINE 3 CHANGE Change "legion" to
 8 "lead-gen"

9 REASON _____

10 PAGE 23 LINE 13 CHANGE Change "advising the
 11 postal service on this" to "advising the postal
 12 service that this"

13 REASON _____

14 PAGE 27 LINE 2 CHANGE Change "the brands" to
 15 "other brands"

16 REASON _____

17 PAGE 31 LINE 9 CHANGE Change "underspent" to
 18 "underspend"

19 REASON _____

20 PAGE 34 LINE 19 CHANGE Change "5 to 10,000" to
 21 "5,000 to 10,000"

22 REASON _____

23 _____
 24 Karpenko , USPS 30(b)(6)

_____ Date

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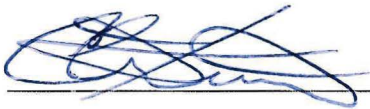
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1 United States, Et Al v. Google, LLC

2 Karpenko , USPS 30(b)(6) (#6105353)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Karpenko , USPS 30(b)(6), do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10 

11 11/9/23

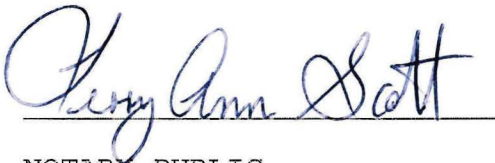
12 Karpenko , USPS 30(b)(6)

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 9th DAY OF November, 2023.

16
17 

18 NOTARY PUBLIC



19
20 TERRY-ANN MONIQUE SCOTT
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires January 1, 2028